

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 14, 2004**

**IN RE:**

**PETITION OF CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS FOR EXPEDITED  
REVIEW OF NEUSTAR'S DENIAL OF  
ADDITIONAL NUMBERING RESOURCES**

**DOCKET NO.  
03-00626**

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**ORDER APPROVING PETITION FOR  
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL  
AND REVERSING CENTRAL OFFICE CODE DENIAL**

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 15, 2003 for consideration of the *Petition of Cellco Partnership d/b/a Verizon Wireless for Expedited Review of Neustar's Denial of Additional Numbering Resources* filed by Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") on December 8, 2003.

**BACKGROUND**

In March of 2000, the Federal Communications Commission ("FCC"), recognizing "the near-crisis" caused by the exhaustion of telephone numbers in certain expanding geographic areas, initiated a policy designed "to slow down the rate at which central office codes (or NXXs) in those areas are assigned to carriers."<sup>1</sup> Among other things, the FCC adopted a mandatory

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<sup>1</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Report and Order and Further Notice of Proposed Rule Making*) 15 FCC Rcd. 7574, 2000 WL 339808, ¶¶ 2, 183, 191 (March 31, 2000) (hereinafter "*First Report and Order*"); see also 47 U.S.C. § 251(e)(1) (directing the FCC to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.").

utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and provide incentives to use numbers efficiently.<sup>2</sup> Under this policy, carriers seeking additional numbering resources must apply to the North American Numbering Plan Administration (“NANPA”) “or another entity or entities, as designated by the Commission” for a decision as to whether to allocate the numbers.<sup>3</sup>

On June 18, 2001, the FCC designated NeuStar, Inc. (“NeuStar”) as the national thousands-block number Pooling Administrator.<sup>4</sup> NeuStar, which was also serving as the NANPA, currently administers thousands-block number pools by assigning, managing, forecasting, reporting, and processing data that will allow service providers in areas designated for thousands-block number pooling to receive telephone numbers in blocks of 1,000. Telecommunications service providers participating in number pooling in the area are required to submit their requests for additional numbering resources to the Pooling Administrator.

On December 3, 2003, Verizon Wireless submitted an application and the required Months to Exhaust Certification Worksheet to the Pooling Administrator for one growth block to obtain numbering resources sufficient to satisfy the demands of the market for a growth code in the 615 numbering plan area (“NPA”).

NANPA, citing the failure of Verizon Wireless to meet its NXX Assignment Guidelines, denied the company’s request. The guidelines require that a rate center must have a 70% utilization rate and that its estimated exhaust date not exceed six months. Verizon Wireless could not meet the first of these guidelines because the Carthage, Tennessee Rate Center (“Rate

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<sup>2</sup> See *First Report and Order*, ¶¶ 40-41, 84, 97-98.

<sup>3</sup> See 47 C.F.R. § 52.15(a); see also *First Report and Order*, ¶¶ 143-48 (providing background on the development of the pooling administrator).

<sup>4</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Third Report and Order and Second Order on Reconsideration*) 17 FCC Rcd. 252, 2001 WL 1658101, ¶ 11 (Dec. 28, 2001) (hereinafter “*Third Report and Order*”); see also 47 C.F.R. § 52.15(a).

Center”) has a 64.7% utilization rate. The second prong in the guidelines has been met in that the company will exhaust its supply of available numbers in a little more than a month of the Application Date.

On December 8, 2003, Verizon Wireless filed with the Authority its *Petition for Expedited Review of Central Office Code Denial*. The company asserts that its inability to supply the market with the requested numbers within the same NXX code prevents the company from providing the quality of service its customers expect. Verizon Wireless requests that the Authority reverse the Pooling Administrator’s denial of its application and order the release of numbering resources.

Presently, Verizon Wireless only has about 177 local Carthage numbers available for assignment to customers within the Rate Center. Customers are seeking new numbering resources from Verizon Wireless to avoid toll charges associated with the elimination of reverse toll billing. Aging and intermediate numbers are not available to the company because of two factors: (1) the negative customer impacts associated with utilizing numbers that have not been properly aged; and (2) intermediate numbers are supplied to reseller competitors for use by their customers. The Rate Center may be unable to provide new numbers by the year’s end should it experience a similar or greater rate of growth during the month of December 2003 than it had for November 2003. It is quite probable that the company will incur such growth and exceed the 169 requests that were recorded for November 2003.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Review by the TRA of the Pooling Administrator’s denial of the application of Verizon Wireless is authorized by the FCC.<sup>5</sup> According to the FCC,

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<sup>5</sup> *Third Report and Order*, ¶ 61; see also 47 C.F.R. § 54.15(g)(3)(iv).

We agree with the commenting parties that a safety valve mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources. State commissions should only apply a safety valve mechanism as a last resort and, to the extent possible, use it as a stop gap measure to enable carriers in need of additional numbering resources to continue to serve their customers. We adopt one specific safety valve to address the numbering resource requirements of carriers experiencing rapid growth in a given rate area. We also clarify that states may grant requests by carriers that receive a specific customer request for numbering resources that exceeds their available inventory. Finally, we give states some flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.<sup>6</sup>

State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering resources are available to all telecommunications service providers on a fair and equitable basis.<sup>7</sup>

At a regularly scheduled Authority Conference held on December 15, 2003, the voting panel assigned to this docket considered the *Petition for Expedited Review of Central Office Code Denial* filed by Verizon Wireless. After considering the evidentiary record and policy goals required by Tenn. Code Ann. § 65-4-123 regarding this agency's responsibility to foster competition in the telecommunications industry,<sup>8</sup> the panel voted unanimously to approve the company's request for expedited review and reverse the Pooling Administrator's denial of the

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<sup>6</sup> *Third Report and Order*, ¶ 61.

<sup>7</sup> See, e.g., *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Order*) 16 FCC Rcd. 15,842, 2001 WL 964979, ¶ 8 (Aug. 24, 2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the state commissions not unduly favor one telecommunications technology over another."); see *FCC Announces GSA Approval of North American Numbering Council Through October 4, 2003*, CC Docket No. 92-237 (*Public Notice*) 16 F.C.C.R. 18,502, 2001 WL 1222428 (Oct. 15, 2001).

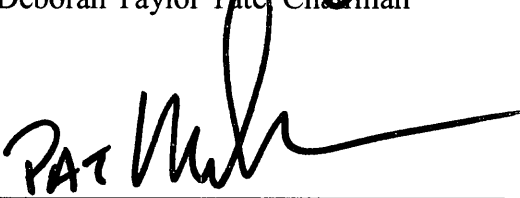
<sup>8</sup> See Tenn. Code Ann. § 65-4-123.


request of Verizon Wireless for additional numbering resources, specifically for the assignment of an NXX to Verizon Wireless for the Carthage, Tennessee Rate Center.

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition of Cellco Partnership d/b/a Verizon Wireless for Expedited Review of Neustar's Denial of Additional Numbering Resources* filed by Verizon Wireless is granted.
2. The Pooling Administrator's decision to deny the request of Verizon Wireless for additional numbering resources is reversed as stated herein.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Ron Jones, Director